

March 14, 2011

The Common Council met as the Water Utility Board at 7:00 pm on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Askren, Hoehn, Curtis, and Higgins attending. Board member Fuelling was not present. Others attending were Chief Waters; Chief Beloit; Attorney Higgins; Supt. Gray; Tom Hogan – Johnson Controls, Inc.; Scott Miller and James Cameron – Umbaugh and Associates; Ron and Vonnie Sallee; Clarence Nelson; Larry Clark; Larry Williams; Brandon Mohr; John Taylor – Ex. Dir. PCEDP; Pam Robinson – Posey County News; and arriving during the meeting, Comm. Maynard; and Supt. Givens.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Board member Curtis moved the reading of the minutes be waived and they be approved as presented. Seconded by Board member Higgins.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker requested action on the claims presented.

Board member Askren moved the claims presented be allowed for payment. Seconded by Board member Curtis.

Comm. Maynard arrived at the meeting.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

*****CLAIMS*****

Mayor Tucker stated they will now hear the report of the Water Chairman.

Chairman Curtis stated he has no report.

Supt. Gray stated the billing system is going well and they should be live by the end of the month. He then stated Friday he had to issue a boil order followed immediately by a retraction of said order. He explained the tests that he runs on the water are sensitive and he messed up two of the samples, causing the initial boil order. He then reran the tests and they came back fine. He concluded by stating Evansville is on a city-wide boil order right now, Mount Vernon is not effected by that.

Mayor Tucker asked if there were any questions ?

There were none.

Tom Hogan stated Phase 3 is progressing, JCI has been soliciting for ideas and the Board can expect binders next week, around the 21st. He added he would like if the Board could pick some members for a selection committee, and JCI will also be involved with that in a strictly advisory role to help with some of the critical items.

Supt. Givens arrived at the meeting.

Mr. Hogan added again JCI will be in an advisory role and put together a time line for the Board with some milestone dates. They are moving forward and hopefully will be ready for kick off by August. Board member Curtis stated as Water Chairman he would like to be on the selection committee, and possibly one more from the Board.

Board member Higgins stated she will do it.

Mr. Hogan thanked the Board and asked if there were any questions ?

There were none.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Board ?

Clerk-Treasurer Sitzman replied not at this time.

Mayor Tucker asked if there were any Legals for consideration ?

There were none.

Mayor Tucker asked if anyone in the Audience wished to address the Board ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

There was none.

Mayor Tucker asked if there was any New Business ?

There was none.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Board member Curtis moved the meeting be adjourned. Seconded by Board member Askren.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Cristi L. Sitzman
Clerk-Treasurer

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Askren, Hoehn, Curtis, and Higgins attending. Councilman Fuelling was not present. Others attending were Chief Waters; Chief Beloat; Attorney Higgins; Supt. Gray; Tom Hogan – Johnson Controls, Inc.; Scott Miller and James Cameron – Umbaugh and Associates; Ron and Vonnie Saltee; Clarence Nelson; Larry Clark; Larry Williams; Brandon Mohr; John Taylor – Ex. Dir. PCEDP; Pam Robinson – Posey County News; Comm. Maynard; Supt. Givens; and arriving during the meeting, Sarah Clark.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Councilwoman Higgins moved the reading of the minutes be waived and they be approved as presented. Seconded by Councilwoman Askren.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the reports of the Standing Committees.

Street & Light Chairman Fuelling was not present.

Comm. Maynard stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Police & Dog Chairwoman Askren stated she has no report.

Chief Beloit stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Fire Chairman Hoehn stated he has no report.

Chief Waters stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Sewer Chairwoman Higgins stated she has no report.

Supt. Givens stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker stated they have the Financial Report before them and any questions could be directed to Clerk-Treasurer Sitzman.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Council ?

Clerk-Treasurer Sitzman replied not at this time.

Mayor Tucker stated they are ready for the Legal portion of the Agenda.

Attorney Higgins stated the Ordinance to Amend the City of Mt. Vernon Code of Ordinances, Title VII-Traffic Code, Chapter 74-Traffic Schedules, Schedule VII-Truck and Weight Regulation, the "truck ordinance" is up for second reading.

Councilwoman Higgins moved the ordinance be tabled until Councilman Fuelling is present, but allow discussions and time for INDOT and NPO to get traffic counts to them. Seconded by Councilwoman Askren.

Mayor Tucker asked if there was any discussion ?

Councilman Curtis stated the count is going on now and asked if they anticipate getting the information in a short amount of time ?

Councilwoman Higgins replied yes.

Councilman Hoehn asked if there is a time line in mind for when the Council can proceed with the next reading ?

Mayor Tucker replied he would assume just long enough to receive the analysis from INDOT and NPO. He added INDOT's information will be sent to Indianapolis for review but he believes NPO will be working more quickly.

Councilman Hoehn asked what exactly they are waiting for ? Is there a certain number they are wanting to see ?

Councilman Curtis replied he does not feel there is a certain number, but right now they really have no quantitative information on the truck traffic. In other words, there is no number in mind, no pass/fail number.

Councilman Hoehn questioned again timing, as there are folks present tonight to discuss this situation. He wondered when they might be entertaining the next reading ? 30 days?

Councilwoman Askren replied the Council has no answers right now, INDOT has the information.

Councilman Hoehn questioned the 30 days, after that, then what ? Do they then proceed ?

Attorney Higgins replied that each meeting the ordinance needs addressed, even if that means tabling it. She added it will be on the Agenda unless it is tabled to a certain date.

Councilman Curtis stated he wants to be sure that any interested parties have ample time to get to the meeting when it is addressed.

Councilman Hoehn stated he finds it difficult to make a decision without an end date. He added he would like to wait until Councilman Fuelling is present, possibly they could table it for two meetings.

Councilman Curtis agreed adding they table the ordinance for two meetings.

Councilman Hoehn added he believes everyone should be involved in this issue.

Councilwoman Higgins stated she is not stalling, but rather waiting for information.

Councilman Hoehn asked if the count is 200, what then ?

Councilman Curtis replied they just need quantitative information.

Sarah Clark arrived at the meeting.

Councilman Hoehn stated he would like the Council to consider between now and the next reading what action they will take at that time.

Councilwoman Higgins amends her motion by moving the 2nd reading of the ordinance be tabled until April 11, 2011, though it may be open for discussion. Seconded by Councilwoman Askren.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – absent; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilwoman Higgins continued the discussion on the tabled ordinance by stating with talked with Loren Evans of the MSD of Mt. Vernon about the safety issue this ordinance is addressing and he indicate the school district would not be making any changes until the 2011-2012 school year. She stated he further added the school district does not consider Kimball Street to be a busy street – though there are no sidewalks. She stated the school district further encourages the kids to use the school buses and avoid Kimball Street for actual bus pick up.

Mayor Tucker asked if anyone in the Audience wished to address the truck traffic situation ?

Clarence Nelson approached and stated he was born and raised in Point Township, he is a retired school teacher and is also a farmer, as is his son. He added he has nothing personal against anyone on this issue, but he does have something to say about it. He stated according to the local newspaper of January 26, 2011, safety is the #1 issue with these trucks on Kimball Street, but is it really? There have been no accidents there for many years. Some folks have said the semis on that street are a nuisance and they tear up the streets. He stated he has also heard that student safety is an issue – he has also talked with the MSD and there are no sidewalks on Kimball, therefore, why walk on Kimball? Again he stated, there are no accidents. He added one councilman wanted to see immediate action – no sitting in the middle. He stated he feels there needs to be proper studies done and the Council needs to do their homework on this. He then stated as a member of the Economic Development Commission, he does his homework and votes for what is best and true for everyone. He then stated the March 2, 2011 newspaper quoted two local residents having concerns about the trucks, he can respect that, but again, they stated the trucks were a nuisance, of which he agrees. He stated they are especially a nuisance around McDonald's and the stop light at 4th and Kimball. He added 90% of the trucks leaving the port are empty, empty grain trucks. Many local folks work at the port and it is very dangerous to cross across two heavy lanes of traffic to go west leaving the port. That is why they go to the light at Kimball. He then questioned pot holes, as has been mentioned – there are none. Pearl Street, he added, to ADM – transports haul wheat there, how is that area zoned? These are service trucks they are talking about here. If there is no wheat being hauled to ADM, there is no ADM. He agreed some wheat comes via barge or rail, but mainly transport trucks. He stated if folks are worried about destruction of the streets, those trucks are fully loaded and there is not one pot hole there. He then cited Munchoff and 8th Streets being used heavily over the years by Countrymark trucks, not one pot hole. He then stated there is a business out around Hawg N Sauce whose loading dock, because of its location, is a dangerous situation with trucks actually in the street trying to get to the dock. It is a fine business, run by fine people. Perhaps they should ban truck traffic there too. He stated there are 15 homes on Kimball Street, 23 on Wolflin Street. He then asked if the Council can legally restrict transport traffic? He mentioned taxes, and added he pays them so he can therefore haul on these streets. A portion of the taxes he pays comes back to Mt. Vernon, and other truckers pay for these streets as well. He added local farmers haul grain in and out of the port and the Council should thank them for that, not jeopardize them. He continued by stating it would not be a disgrace for the Council to change their minds on this, or their plan. He asked that they table it long enough to get something done. He added that even out of state truckers pay their fair share of taxes for the city streets. He asked that Council not act too quickly, do some research. He then stated they should take their time and friends with the local INDOT office in Vincennes. He asked that they not restrict the truck traffic unless they can come up with a better plan. He added he hopes they will reconsider the time table they just voted on. He then stated he would not like to be in Chief Beloit's shoes to have to enforce this ordinance – it will take time and money. He added his brother was the former Police Chief, George Nelson, and he remembers him always saying that when Council makes changes such as this, the cost of manpower goes up. He then questioned what a service truck is – it also needs to be specified in the ordinance, and even then, it still may not cover them all. He asked that Council give it time, don't push too fast, and do some research. He then stated there are other streets that have more truck traffic than Kimball. He wondered if they could postpone action on the ordinance until there is a safe exit out of the port. Again, he urged Council to work with INDOT in Vincennes. He concluded by stating this is nothing personal against anyone; and then thanked Council for their time.

Mayor Tucker asked if anyone else in the Audience wished to address the truck ordinance?

Brandon Mohr approached and stated he appreciates Mr. Nelson's input and he has some excellent information, but one important fact here is that there are no sidewalks on Kimball Street, and that is an issue. As for accidents, maybe there haven't been any yet, but is not a good reason NOT to go ahead

with this – there could be. As for Kimball vs. Pearl Street, Kimball is a secondary street to the port, Pearl goes directly to ADM. He then cited the City of Mt. Vernon Codification, code section 153.040, bullet #2 referencing residential areas and how they need to be protected – the truck are inharmonious to those areas. He then stated section 71.01 discusses there not being obstructions to the traffic – at the intersection of 4th and Kimball there is not adequate space for a semi to make that left turn. That intersection needs to be restructured as the turn can not be made safely. He asked that the Council consider that as well and thanked them for their time.

Mayor Tucker asked if anyone else wished to address Council on this issue ?

Larry Clark stated that he lives on Kimball Street and the truck traffic there is in BOTH directions, all day long. It is like that everyday, there is no peace and quiet. He added the State drags their feet for so long, and they have been for years and years. He stated it is a tough situation but one would only have to live there to appreciate it. He added Poshard trucks are going north AND south more than anyone else, and he himself he is a truck driver, he gets it. He stated when the port was built, they made a road going in, but didn't think about a road going out – Kimball is not a truck route, it is a residential area and it is going to worse. There needs to be a solution. He then thanked the Council for their time.

Councilwoman Higgins asked what they could do to light a fire under INDOT ? Call the TV stations, the media ? INDOT is not listening to the city. She suggested a petition and/or any suggestions.

Councilman Hoehn stated he has talked with Rep. McNamara and the State is looking at the property behind the funeral home and Arbys. Rep. McNamara and Jim Tomes are working on it and the city is getting some attention. He added regardless, it is still a two year project. He stated this is a residential area and currently the ordinance that is in place is being ignored. The State opened that area up for public use.

Sarah Clark approached and stated she has lived in the area all her life and the truck traffic should be one way only, going north. She stated currently the truck traffic is going north and south and tearing up the streets. She added there is a chuck hole in the center of the road and when a truck hits it, it vibrates the whole house. She further stated the way Kimball sits, water runs off of it making her yard a lake. She added there are also mentally challenged children that live in the area, and again, no sidewalks. The street was paved two years ago and it is already starting to crumble. She added it is not fair to her to have to live like this, and she added she also pays taxes. She concluded by stating the truck traffic wasn't always this way – the road is simply not wide enough – something bad could happen there.

Mayor Tucker asked if anyone else in the Audience wished to speak on this subject ?

There was no response.

Mayor Tucker stated they will continue with the Legal portion of the Agenda.

Attorney Higgins stated the next item is the Bond Ordinance for Phase 2 of the Long Term Control Plan. She explained that Phase 1 is done and the design of Phase 2 is complete – bids were opened at the Board of Works meeting this past Thursday. She added Phase 2 is a \$13M project and the ordinance before them for first reading is to propose the funding to pay for the project. The city received a \$6,572,000 grant for the project, which they do not have to pay back – leaving a balance of \$7.7M. She also reminded Council Phase 2 is an IDEM mandated project. The funding will be through SRF and bonds will be issued with Not To Exceed rate of 5% at a term of 25 years, though Umbaugh has prepared a 20 year amortization schedule. She added once ordinance passed first reading, it will be up for Public Hearing at their March 28th meeting.

Councilman Hoehn asked Attorney Higgins' recommendation ?

Attorney Higgins replied she recommends first reading be passed tonight.

Councilman Curtis added this is a mandated project and it has been discussed, therefore, he moves the ordinance pass on first reading. Seconded by Councilman Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasure with Council voting as follows:

Askren – yes; Fuelling – absent; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Attorney Higgins stated the next item is the Sewer Rate Ordinance that goes along with the Bond Ordinance the Long Term Control Project. She added Scott Miller and Jim Cameron are with Umbaugh and they are present.

Mr. Miller stated Mr. Cameron has been going over the books/records, etc. at the sewer utility and the information they have before them is based on engineers' estimates. He added at the Public Hearing, they will have a revised report as well as information from SRF on the interest rate. He stated he hopes they have put in enough cushion so the rate will be at a sufficient level once all information is received – they can adjust the rate lower with little problem, but adjusting it higher would result in having to start the process over. He asked Council to turn to page 2 to view the Schedule of Estimated Project Costs and Funding, based on calendar year 2010 figures. Page 3, he stated, is the amortization schedule, using 4% for the rate, which will hopefully be even lower. He added page 8 shows the proposed increase for the sewer rates, which is 25.4%. Page 11 shows a schedule of present rates and charges versus the proposed rates and charges. He stated in two weeks, they will know if the rates will stay as proposed or decrease ever slightly. He then asked if there were any questions ?

Councilman Hoehn asked what the trigger point is ?

Mr. Miller replied the closing date, whenever that is determines the rate. All rates are reset every quarter, in this case, April 1.

Attorney Higgins added the grant the city was award also has its own time schedule, which for this project, is aggressive.

Mr. Miller agreed and added that is why the figures before them are based on estimates, to preserve the grant. He stated this ordinance does not effect the out of town surcharge that is in place.

Councilman Curtis moved the sewer rate ordinance pass on first reading, based on the information currently before them. Seconded by Councilman Hoehn.

Mayor Tucker asked if there was any discussion ?

Councilwoman Higgins stated this increase could be a lot worse, had the city not received the grant – they were very fortunate.

Councilman Hoehn added he would like to state for the record that the proposed increase is 25%.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – absent; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Attorney Higgins stated the final item is an Ordinance to Amend the City of Mt. Vernon Code of Ordinances, Title V-Public Works, Chapter 50 –Sewers, Section 50.135 (A) – Administrative Fines. She added this is being brought about by new standards in the city's permit for pre-treatment. It is adding higher fines and, of which come from federal law, the EPA.

Councilman Curtis moved the ordinance pass first reading. Seconded by Councilwoman Higgins.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – absent; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Mayor Tucker asked if anyone in the Audience wished to address the Council ?

Larry Williams stated he is present on behalf of the Area Plan Commission. As Council is aware they are working on trying to compile/clean up the county's zoning ordinances. They have contracted with Ripple to clean them up and make them more user friendly. He is asking the city for a \$3,000 commitment to help for this.

Councilwoman Askren is this was in any budget ?

Mayor Tucker replied not, but they can find it somewhere.

Mr. Williams added the total contract price was \$15,000.

Councilman Hoehn moved the request for funding be accepted. Seconded by Councilman Curtis.

Mayor Tucker asked if there was any discussion ?

Councilwoman Higgins asked if this would be paid by EDIT ?

Mayor Tucker replied possibly, or Rainy Day. He then requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – absent; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Mayor Tucker asked if anyone else in the Audience wished to address the Council ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

There was none.

Mayor Tucker asked if there was any New Business ?

Councilwoman Higgins stated Thursday evening at the Leadership Evansville Awards, the River Days will be up against such stiff competition as the West Side Nut Club. She added she is happy and proud to be nominated and the program starts at 6:00 pm.

Mayor Tucker stated he would like to commend Councilwoman Higgins for taking care of all the paperwork.

Mayor Tucker stated they will now hear the reports of the Districts.

1st District Councilwoman Askren stated she received a call from Ron Greenfield about dilapidated houses – some communities put 4 x 8 signs in the yards of these homes. She just thought she would mention that.

2nd District Councilman Fuelling was not present.

3rd District Councilman Hoehn stated he has no report.

4th District Councilman Curtis stated he has no report.

Councilwoman-at-Large Higgins stated she has no report.

Mayor Tucker states if there was no further business, he entertains a motion to adjourn.

Councilman Curtis moved the meeting be adjourned. Seconded by Councilwoman Higgins.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Cristi L. Sitzman
Clerk-Treasurer